



Department of Energy  
National Nuclear Security Administration  
Office of the General Counsel  
P. O. Box 5400  
Albuquerque, NM 87185



OCT 23 2019

**SENT VIA EMAIL**

Mr. Martin Pfeiffer  
MuckRock News DEPT  
MR 68392  
411 A Highland Ave Somerville, MA 02144-2516  
[68392-02183763@requests.muckrock.com](mailto:68392-02183763@requests.muckrock.com)

Dear Mr. Pfeiffer:

This letter is the final response to your February 1, 2019, Freedom of Information Act (FOIA) request for copies of the following records:

Current lease, loan, handling, and display agreements for the lending of nuclear weapon casings, models, trainers, shapes, and nuclear weapon associated artifacts (for example, but not limited to, the PAL controllers as are on display at the National Museum of Nuclear Science and History in Albuquerque, NM) to museums, laboratories, and government (state and federal) entities. Please also include any such agreements made with foreign governments or institutions if they exist.

Your request was received in this office on February 04, 2019.

We contacted the Sandia Field Office (SFO), and the Los Alamos Field Office (LAFO), regarding your request. SFO and LAFO contacted their respective M&O contractors, NTESS, and Triad regarding your request.

SFO, LAFO, NTESS and Triad conducted a search for responsive records and nine documents were located.

A summary of the 9 documents are listed below:

- Document 1 – B61 renewal 2019
- Document 2 – DOE\_Forrestal 040819
- Document 3 – Loan Agreement 2011-16
- Document 4 – Loan Agreement 2011-19
- Document 5 – Mission Move Agreement 17-010
- Document 6 – Mission Move Agreement 17-011
- Document 7 – Mission Move Agreement 18-004
- Document 8 – NATM loan 030119
- Document 9 – NMHM Loan Agreement 052118

Documents 1 - 5 and 8 - 9 are fully releasable and are being provided to you in their entirety.

Documents 6 - 7 are being provided with deletions pursuant to 5 USC § 552(b)(6) (Exemption 6 of the FOIA).

The purpose of Exemption 6 is to protect individuals from the injury and embarrassment that can result from the unnecessary disclosure of personal information. To determine whether disclosure would constitute a clearly unwarranted invasion of personal privacy, the public interest in disclosure, if any, must be balanced against the privacy interests that would be invaded by disclosure of the information. In this case, the names, email addresses, telephone numbers and other personally identifying information of contractor employees has been withheld. Release of this information pertaining to these contractor employees would cause inevitable harassment and unwarranted solicitation for these individuals. In addition, release of this information would not shed light on the operations of the federal government. Since its release will not reveal anything of significance to the public, the interest in protecting against the invasion of privacy that would result to the individual in question far outweighs the public interest in such disclosure.

It is widely held that federal employees have no expectation of privacy regarding their names, titles, and duty stations. See 5 CFR § 293.311 (1994); Core v. United States Postal Serv., 730 F.2d 946, 948 (4<sup>th</sup> Cir. 1984); National W. Life Ins. Co. v. United States, 512 F. Supp. 454, 461 (N.D. Tex. 1980). Therefore, the disclosure of such information about federal employees would involve little or no invasion of privacy. Contractor employees, however, are not federal employees. Rather, they are private individuals. The Supreme Court has long found a privacy interest in the names and personal information of private individuals significant enough to warrant protection from disclosure under Exemption 6.

The Department of Energy (DOE) regulations 10 CFR § 1004.1 provide that documents exempt from mandatory disclosure under the FOIA shall be released regardless of their exempt status, unless DOE determines that disclosure is contrary to public interest. For the reasons described above, NNSA has determined that release of the information described above is not in the public interest.

Pursuant to 10 CFR § 1004.7(b)(2), I am the individual responsible for withholding the Exemption 6 information.

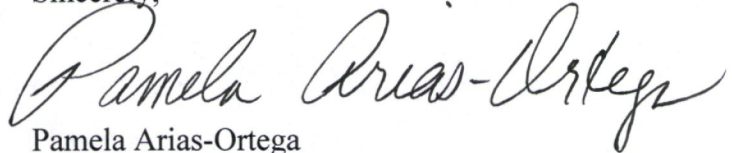
You may appeal our withholding of information pursuant to 10 CFR § 1004.8. Such an appeal must be made in writing within 90 calendar days after receipt of this letter, addressed to the Director, Office of Hearings and Appeals, HG-1, U.S. Department of Energy, 1000 Independence Avenue SW, L'Enfant building, Washington, DC 20585. Your appeal must contain a concise statement of the grounds for the appeal and a description of the relief sought. Please submit a copy of this letter with the appeal. Please clearly mark both the envelope and the letter "Freedom of Information Appeal." You may also submit your appeal by e-mail to [OHA.filings@hq.doe.gov](mailto:OHA.filings@hq.doe.gov), including the phrase "Freedom of Information Appeal" in the subject line (this is the method preferred by the Office of Hearings and Appeals). Thereafter, judicial review will be available to you in the District of Columbia or in the district where (1) you reside, (2) you have your principal place of business, or (3) the Department's records are situated.



There are no charges to you for processing your FOIA request.

If you have questions about the processing of this request, please contact Ms. Donna Del Rio by e-mail at [donna.delrio@nnsa.doe.gov](mailto:donna.delrio@nnsa.doe.gov) or write to the address at the top of the first page. Please reference Control Number FOIA 19-00089-H in your communication.

Sincerely,

A handwritten signature in cursive script that reads "Pamela Arias-Ortega". The signature is written in dark ink and is positioned above the printed name and title.

Pamela Arias-Ortega  
FOIA Officer

Enclosures